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MEMORANDUM  
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Director  
Utilities Division

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EA for SMD  
ARIZONA CORPORATION COMMISSION  
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Arizona Corporation Commission

DOCKETED

JUN - 2 2010

DATE: June 1, 2010

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RE: **ADMINISTRATIVE CLOSURE - IN THE MATTER OF THE APPLICATION OF ATX LICENSING, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG DISTANCE TELECOMMUNICATIONS SERVICES (DOCKET NO. T-04310A-05-0127)**

On February 28, 2005, ATX Licensing, Inc. ("ATX" or "Applicant") filed an Application for a Certificate of Convenience and Necessity ("CC&N") to provide resold interexchange services within the State of Arizona. The Applicant is a wholly owned, indirect subsidiary of ATX Communications, Inc. In its Application, ATX submitted, as Attachment D, a copy of ATX Communications, Inc.'s financial statements for the year ending December 31, 2002.

On March 2, 2005, Staff filed a Letter of Insufficiency and its First Set of Data Requests. The Applicant responded to Staff's First Set of Data Requests and filed four revised pages of ATX's proposed Arizona tariff on March 28, 2005. On March 30, 2005, the Applicant filed a copy of the Affidavit of Publication from the Arizona Republic of its legal notice of its Application.

ATX filed a letter on April 27, 2005, to inform the Commission that ATX, its parent company, ATX Communications, Inc., and its affiliates emerged from bankruptcy as of April 22, 2005. As result, ATX is now ultimately owned by Leucadia National Corporation ("Leucadia").

On June 26, 2006, Staff filed a Letter of Insufficiency and sent its Second Set of Data Requests. The Applicant responded to Staff's Second Set of Data Requests on July 26, 2006.

On June 7, 2007, Mr. Ferenchak, on behalf of ATX, provided Staff a copy of the Securities and Exchange Commission Form S-4 financial statements filed by Broadview Networks Holdings, Inc. ("BNHI"). According to the Form S-4 filing, BNHI entered into a merger agreement with ATX Communications, Inc. and its shareholders and Leucadia in June 2006. The merger agreement was closed and became effective in September 2006.<sup>1</sup> ATX's

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<sup>1</sup> Refer to Form S-7 on Page F-7 under "Change of Ownership" Heading in the Third Paragraph for details.

Application was not updated to reflect that ownership of ATX had been transferred from Leucadia National Corporation to BNHI.

On June 18, 2008, a Procedural Order was issued directing Staff to file an update on the status of this case. On August 18, 2008, Staff filed an update on ATX's Application.

On September 23, 2008, a Procedural Order was issued directing ATX to amend its Application, on or before December 31, 2008, to reflect any and all changes relating to its merger with BNHI and update all of its responses to Staff's data requests. ATX filed its amended Application on December 23, 2008.

On April 23, 2010, Staff sent a non-docketed copy of Staff's Third Set of Data Requests to Mr. Ferencsak. On May 13, 2010, Staff received a docketed letter from Catherine M. Hannan, Regulatory Counsel, for ATX Licensing, Inc. requesting the withdrawal of ATX's Application. On May 19, 2010, Ms. Hannan sent a docketed letter and a signed "Verified Statement" stating that ATX does not have any customers and does not provide telecommunications services in Arizona.

Staff does not object to ATX's withdrawal of its Application. Staff recommends that Docket No. T-04310A-05-0127 be administratively closed.

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Originator: John F. Bostwick

Attachment: Original and Thirteen Copies

SERVICE LIST FOR: ATX LICENSING, INC.  
DOCKET NO. T-04310A-05-0127

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